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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|--------------------------|------------------|
| 10/500,612 | 06/29/2004 | Stefan Schorling | HT-116 | 4311 |
| 7590 | 08/30/2006 | | EXAMINER MAH, CHUCK Y | |
| Mark P Stone 4th Floor 25 Third Street Stamford, CT 06905 | | | ART UNIT 3677 | PAPER NUMBER |

DATE MAILED: 08/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/500,612 | Applicant(s) SCHORLING, STEFAN | |
| | Examiner Chuck Mah | Art Unit 3677 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-7, 13-15, and 20- 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 6-9, "a single curtain mounted to hang flatly from the elongate hanger" renders the scope of the claim confusing. From the preamble of the claim it is understood that "A system for hanging curtains" is being claimed. The claim later, however, positively introduces "a single curtain mounted". It is uncertain whether applicant attempts to claim "A system for hanging" subcombination or "A system for handing" and "curtains" combination.

Further, line 7, it is not clear what "the elongate hanger" is referring to and how it is related to the "one or more elongated hangers" stated in line 2 of the claim.

"the elongate hanger " satisfies the condition of "one" hanger but is untrue for "more" hangers.

In claim 5, line 3, it is not clear what "two said curtains" are referring to and how the two curtains are structurally related to the "a single curtain" of claim 1. Note similar errors in claims 14 and 15.

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Claim 7 is vague and indefinite since the claimed limitation (hooks) is being defined in terms of unclaimed structure (the curtain rod). Claim 1 does not positively claim "a rod".

In both claims 13 and 20, it is not clear how "that two rods" are related to "a rod" of claim 8. The claims fail to relate the "two rods" to "a rod". It is uncertain how many rods there are in the system.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1-4, 6 and 7, as best as understood, are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Schofield '097. Brackets are inherent structures to support the rod. Note that "move...without folding" is a conditional statement.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. Claims 1-10, 12, 14, 15, 18, 19, 21 and 22, as best as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Tendrich et al '631 in view of Schofield '097.

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'631 discloses the invention as claimed, including a rod, a plurality of hangers (15, 17, 18), a plurality of curtains (11,12), and a sliding fillet (24, 25, 26). '631 fails to show each hanger being elongated and having an open suspension hook at each end thereof. '097 teaches the elongated hangers each having a hook at each end (col. 1, lines 30-33), so that the hangers remain at right angles to the rod all time such that there is no tendency for them to assume positions oblique to the rod and thereby cramp. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the hangers of '631 with the hangers of '097 to enhance a smoother sliding on the rod, without cramp. Note that "move...without folding" is a conditional statement.

As to the "brackets" of claims 2-4 and 8-10, brackets with clamping means are inherent structure for supporting the rod. Or, the examiner takes Official Notice that brackets having a clamping means for supporting a curtain rod are well-known and common practice in the art. It would have been obvious to use brackets to support the sliding rod of '631.

As to claims 21 and 22, '631 shows each of the hooks attached to "a single curtain" (11 or 12).

7. Claims 11, 16 and 17, as best as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Tendrich et al '631 and Schofield '097 as applied to claims above, and further in view of Isserstedt (2,388,061).

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'631 and '097 discloses the invention as claimed but for placing the hangers overlapping each other. '061 teaches a curtain suspending means having hangers overlapping each other to provide an evenly draped curtain without the need of re-adjust. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the hangers of '097 with the hangers overlapping each other, as taught by '061 to provide an evenly draped curtain without any further adjustment.

8. Claims 13 and 20 may be given favorable consideration if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

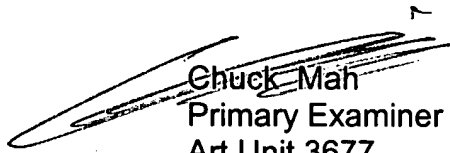
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Mah whose telephone number is (571)272-7059. The examiner can normally be reached on 5/4-9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on (571)272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Chuck Mah
Primary Examiner
Art Unit 3677

CM